



**DECLARATION AND POWER OF ATTORNEY**  
(Joint Inventors)

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We, Ryuzo Yanagimachi and Anthony C. F. Perry hereby declare that we are, respectively,

a citizen of the United States, residing at 1425 Ward Avenue 17W, Honolulu, HI 96822; and

a citizen of the United Kingdom, residing at Honolulu, Hawaii

that we have reviewed and understand the content of the specification, including the claims, which was filed on August 10, 1999 as Serial No. 09/371,648 (Jones, Day, Reavis & Pogue Docket No. 265036600070s3), and we believe that we are the original, first, and joint inventors of the subject matter which is claimed therein and for which a patent is sought on the invention or discovery entitled

**MAMMALIAN TRANSGENESIS BY  
INTRACYTOPLASMIC SPERM INJECTION**

which claims the benefit of U.S. Provisional Patent Application, Serial No. 60/096,078, filed August 11, 1998 and U.S. Provisional Patent Application, Serial No. 60/133,970, filed May 13, 1999, and that we acknowledge our duty to disclose information of which we are aware which is material to the examination of this application, in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

We hereby designate the following as our mailing address and telephone number:

Calvin P. Griffith, Esq.  
Jones Day, Reavis & Pogue  
North Point  
901 Lakeside Avenue  
Cleveland, Ohio 44114  
(216) 586-3939

and appoint each of the following as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Kenneth R. Adamo, Registration No. 27,299; Barbara Arndt, Registration No. 37,768; David B. Cochran, Registration No. 39,142; Regan J. Fay, Registration No. 26,878; F. Drexel Feeling, Registration No. 40,602; Calvin P. Griffith, Registration No. 34,831; Paul V. Keller, Registration No. 42,713; David M. Maiorana, Registration No. 41,449; Timothy J. O'Hearn, Registration No. 31,552; Stephen D. Scanlon, Registration No. 32,755; Jenny L. Sheaffer, Registration No. 45,099; H. Duane Switzer, Registration No. 22,431; Michael W. Vary, Registration No. 30,811; and James L. Wamsley, III, Registration No. 31,578;

all having the above-designated address.

I hereby certify that this correspondence  
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Commissioner for Patents Washington,  
D.C. 20231  
on January 28, 2000  
By: Jacquie O'Brien

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We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

  
RYUZO YANAGIMACHI

Date

Jan 24 '00

Address: 1425 Ward Avenue 17W  
Honolulu, HI 96822

  
ANTHONY C.F. PERRY

Date

Address: Honolulu, Hawaii

JAN 31 2000

PTO/SB/11 (12-97)

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**STATEMENT CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) & 1.27(d))--NONPROFIT ORGANIZATION**

Docket Number (Optional)  
 265036600070s3

Applicant, Patentee, or Identifier: Ryuzo YanagimachiApplication or Patent No.: 09/371,648Filed or Issued: August 10, 1999Title: Mammalian Transgenesis by Intracytoplasmic Sperm

I hereby state that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF NONPROFIT ORGANIZATION University of HawaiiADDRESS OF NONPROFIT ORGANIZATION 2800 Woodlawn Drive, Suite 280  
Honolulu, Hawaii 96822

## TYPE OF NONPROFIT ORGANIZATION:

 UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3)) NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA  
 (NAME OF STATE \_\_\_\_\_)  
 (CITATION OF STATUTE \_\_\_\_\_) WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3))  
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 STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
 (NAME OF STATE \_\_\_\_\_)  
 (CITATION OF STATUTE \_\_\_\_\_)

I hereby state that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- the specification filed herewith with title as listed above.
- the application identified above.
- the patent identified above.

I hereby state that rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities and that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

- no such person, concern, or organization exists.
- each such person, concern, or organization is listed below.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING Glenn K. Nakamura, Associate DirectorTITLE IN ORGANIZATION OF PERSON SIGNING Office of Technology Transfer & Economic Development

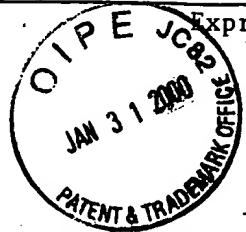
ADDRESS OF PERSON SIGNING

SIGNATURE Glenn K. Nakamura DATE Aug 10, 1999

September 12, 1999 I certify that this correspondence

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 States Patent and Trademark Office, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231on January 28, 2000By: Suzanne O'Brien

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### Conveying Party(ies)

Mark If additional names of conveying parties attached      Execution Date  
Month Day Year

Name (line 1)  RYUZO YANAGIMACHI

07/23/99

Name (line 2)

### Second Party

Name (line 1)       Execution Date  
Month Day Year  
Name (line 2)

### Receiving Party

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Name (line 2)

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Address (line 2)  SUITE 280

Address (line 3)  HONOLULU

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HAWAII

State/Country

96822

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**Correspondent Name and Address**

Area Code and Telephone Number **216/586-1309**

Name **JACQUELINE M. O'BRIEN**

Address (line 1) **JONES, DAY, REAVIS & POGUE**

Address (line 2) **NORTH POINT**

Address (line 3) **901 LAKESIDE AVENUE**

Address (line 4) **CLEVELAND, OHIO 44114**

**Pages** Enter the total number of pages of the attached conveyance document including any attachments. # **4**

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If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing Inventor.

Month **08** Day **10** Year **1999**

**Patent Cooperation Treaty (PCT)**

Enter PCT application number

PCT  PCT  PCT

only if a U.S. Application Number PCT  PCT  PCT   
has not been assigned.

**Number of Properties**

Enter the total number of properties involved.

# **1**

**Fee Amount**

Fee Amount for Properties Listed (37 CFR 3.41): \$ **40.00**

Method of Payment:  
Deposit Account

Enclosed  Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number: # **10-1202**

Authorization to charge additional fees:

Yes

No

**Statement and Signature**

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

JACQUELINE M. O'BRIEN

Name of Person Signing

Signature

AUGUST 10, 1999

Date

(4)

ASSIGNMENT

WHEREAS, new and useful improvements and inventions have been made by the undersigned in

MAMMALIAN TRANSGENESIS BY  
INTRACYTOPLASMIC SPERM INJECTION

and are the subject of the two below-identified provisional patent applications filed in the United States Patent and Trademark Office (and a regular patent application claiming the benefit thereof that has been prepared for filing in the United States and in the Patent Cooperation Treaty) and executed by the undersigned on the date indicated below in the appropriate space to the right of the signature of the undersigned, which applications are further identified as Jones, Day, Reavis & Pogue Docket No. 265036-600070;

WHEREAS, the University of Hawai'i, having a principal place of business at 2800 Woodlawn Drive, Suite 280, Honolulu, Hawai'i 96822, hereinafter referred to as "assignee", is desirous of acquiring all right, title, and interest throughout the world in, to, and under said improvements and inventions and patent rights therefor, including the U.S. Provisional Patent Application Serial No. 60/096,078, filed August 11, 1998, entitled "Novel Method of Mouse Transgenesis by Intracytoplasmic Sperm Injection", the U.S. Provisional Patent Application Serial No. 60/133,970, filed May 13, 1999, entitled "Mammalian Transgenesis by Intracytoplasmic Sperm Injection", and any regular patent application claiming the benefit thereof filed in the United States and throughout the world;

NOW, THEREFORE, be it known that, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, all right, title, and interest in the United States and throughout the world, in, to, and under said improvements and inventions and all patents, patent applications, patent rights, and inventor's certificates thereof, therefor, and therein, including, without limitation, said U.S. provisional patent applications, and said application for patent prepared for filing in the United States and the Patent Cooperation Treaty that claims the benefit of the provisional patent applications, and all divisions and continuations thereof, all patents which may be granted thereon, all reissues and extensions thereof, all right to sue for past infringement thereunder, all patents which may be granted to said improvements and inventions by states or nations other than the United States, or by other authority, entity, or organization, and all applications therefor, have been and are hereby sold, assigned, transferred, and delivered unto assignee, its successors and assigns; and it is covenanted and agreed by the undersigned, and for executors, administrators, and legal representatives of the undersigned, that at assignee's request any and all applications, affidavits, assignments, and other instruments will be made, executed, and delivered as may be necessary or desirable to secure for or vest in assignee, its successors, or assigns any improvement, inventions, right, title, interest, application, patent, patent right, or other right or property covered by this assignment, and the United States Commissioner of Patents and Trademarks is hereby requested and authorized to issue any and all United States patents granted on any of said applications to assignee as owner of the entire right,

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title, and interest in, to, and under the same, and appropriately empowered officials of foreign countries are hereby authorized to issue any letters patent granted on any of said applications to assignee as owner of the entire right, title, and interest in, to, and under the same.

IN WITNESS WHEREOF, this assignment has been executed below by the undersigned:

Ryuzo Yanagimachi  
Ryuzo Yanagimachi

July 23 '95

Date I signed this assignment

Post Office Address: 1425 Ward Avenue 17W, Honolulu, HI 96822

STATE OF HAWAII }  
CITY AND COUNTY OF HONOLULU } ss.  
                        }

The above named Ryuzo Yanagimachi, known to me, appeared before me this 23<sup>rd</sup> day of July, 1999, and acknowledged that the foregoing instrument was executed as his free act and deed for the uses and purposes therein set forth.

Janet C. Janard  
Notary Public, State of Hawai'i

My commission expires 9-30-04

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Date of Deposit Aug 10, 1999

I hereby certify that this paper or fees is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C.

By Jacquie O'Brien